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SERVICE DATE – LATE RELEASE JANUARY 17, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34064

WACCAMAW COAST LINE RAILROAD—MODIFIED RAIL CERTIFICATE

Docket No. NOR 42138

HORRY COUNTY, S.C., MARION COUNTY, S.C., COLUMBUS COUNTY, N.C., CITY OF CONWAY, S.C., TOWN OF FAIR BLUFF, N.C., TOWN OF CHADBOURN, N.C., TOWN OF TABOR CITY, N.C., CITY OF WHITEVILLE, N.C., AND METGLASS, INC.

v.

THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, D.B.A. CAROLINA SOUTHERN RAILROAD COMPANY

Decided: January 17, 2014

In Docket No. FD 34064, Horry County requests that the Board vacate a modified certificate of public convenience and necessity issued to the Waccamaw Coast Line Railroad (WCLR), a division of the Baltimore and Annapolis Railroad Company (BAR), d.b.a. Carolina Southern Railroad Company (CALA), in 2001. The line at issue is an approximately 14.1-mile rail line located between the connection with CALA at Conway, S.C., and Myrtle Beach, S.C. On December 11, 2013, WCLR filed its 60-day notice of intent to terminate service over the line, which is scheduled to become effective on February 9, 2014.

In Docket No. NOR 42138, Horry County, S.C., Marion County, S.C., Columbus County, N.C., City of Conway, S.C., Town of Fair Bluff, N.C., Town of Chadbourn, N.C., Town of Tabor City, N.C., City of Whiteville, N.C., and Metglass, Inc. (collectively, Complainants) filed a complaint alleging that CALA is failing and refusing to provide rail transportation upon reasonable request, in violation of 49 U.S.C. § 11101(a), over its 76-mile line between Mullins, S.C., and Whiteville, N.C., and between Chadbourn, N.C., and Conway, S.C. The complaint also alleges that CALA has unlawfully abandoned the line in violation of 49 U.S.C. § 10903(d).

In both dockets, BP Amoco Chemical Company (BP) has filed nearly identical petitions to intervene on behalf of the Complainants and Horry County, respectively. BP states in both petitions that it has relied on CALA for rail car storage services for 17 covered hopper cars stored “on the lines at issue herein,” leaving ambiguous the location(s) of the cars at issue.

It is unclear from any of the parties' submissions whether BP's cars are currently stored on the line at issue in NOR 42138, or FD 34064, or both. Therefore, BAR will be directed to file information identifying the exact location of each of BP's 17 covered hopper cars at issue (specifying the line, milepost, and nearest town) by January 23, 2014.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. BAR shall file information identifying the exact location of each of BP's 17 covered hopper cars at issue (specifying the line, milepost, and nearest town) by January 23, 2014.
2. This decision is effective on the date of service.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.